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10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 JEREMY JOHN HALGAT, an individual,

13 Plaintiff,

14 vs.

15 UNITED STATES OF AMERICA,

16 Defendant.

CASE NO.: 2:22-cv-00592-RFB-EJY

**STIPULATION TO EXTEND DEADLINE
TO RESPOND TO THE USA'S MOTION
TO DISMISS FIRST AMENDED
COMPLAINT [ECF NO. 71]**

(THIRD REQUEST)

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18 NOW COMES the Plaintiff, JEREMY HALGAT ("Plaintiff"), by and through his
19 attorneys, Melanie A. Hill and Melanie Hill Law PLLC and Defendant UNITED STATES OF
20 AMERICA, by and through its attorney, Jacob Bennett, who hereby stipulate that the deadline for
21 Plaintiff to respond to the United States' Motion to Dismiss First Amended Complaint [ECF No. 71]
22 be extended pursuant to Local Rule IA 6-1.

23 This is the third request for an extension of the deadline to respond to the USA's Motion to
24 Dismiss First Amended Complaint. The first request was due to plaintiff's counsel's international
25 travel and unreliable internet while on her cruise. The second request was due to plaintiff's counsel's
26 daughter's injury and counsel's trial preparation in another case that was recently continued from
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1 September 12, 2023, until December 2023. This third request is due to plaintiff's counsel's surgery
2 last Friday that was not yet anticipated or scheduled when the last stipulation was filed.

3 In support of this Stipulation and Request, the parties state as follows:

4 1. Over the past eight months, Plaintiff's counsel has been obtaining and reviewing
5 the underlying criminal discovery which is quite voluminous and is still ongoing.

6 2. Plaintiff filed his First Amended Complaint on July 15, 2023 [ECF No. 69]
7 addressing issues raised in the USA's original Motion to Dismiss the Complaint, removing causes of
8 action against Defendant USA, and removing Defendant Las Vegas Municipal Police Department
9 and the allegations against it.

10 3. The USA filed its Motion to Dismiss Plaintiff's First Amended Complaint on July
11 28, 2023 [ECF No. 71].

12 4. Under the Court's Local Rules, Plaintiff's Opposition to the Motion to Dismiss
13 First Amended Complaint was due August 11, 2023, and Defendant's Reply was due August 18,
14 2023. *See* L.R. 7-2(b).

15 5. The Parties stipulated to extend the deadlines due to counsel's international travel
16 and unreliable internet while on her cruise until September 11, 2023, and again stipulated to extend
17 the deadline until September 19, 2023, due to Plaintiff's counsel's daughter's injury and counsel's
18 trial preparation in another case that was recently continued from September 12, 2023, until
19 December 2023.

20 6. Last Wednesday, Plaintiff's counsel was scheduled for surgery on Friday,
21 September 15, 2023, and has been recovering from the surgery and taking medication that has
22 prevented counsel from working and completing the response. This necessitates a short extension of
23 the response deadline until September 27, 2023. This surgery was not yet anticipated or scheduled
24 when the last stipulation was filed.

25 7. To allow Plaintiff's counsel additional time to respond to the substance of the
26 arguments raised in the Motion to Dismiss the First Amended Complaint raising issues of jurisdiction
27 and immunity, the parties have stipulated to extend Plaintiff Halgat's response deadline to the Motion
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1 to Dismiss the First Amended Complaint [ECF No. 71] from September 19, 2023 until September
2 27, 2023.

3 8. This stipulation to extend Plaintiff's response deadline is brought in good faith,
4 with a showing of good cause, and is not sought for any improper purpose or other purpose of
5 delay, but to allow counsel for the Plaintiff additional time to address the substance of the arguments
6 in the Motion to Dismiss the First Amended Complaint raising issues of jurisdiction and immunity in
7 light of her surgery last Friday, September 15, 2023. This extension will allow counsel for Plaintiff
8 the additional time necessary to respond to the Motion to Dismiss the First Amended Complaint in
9 light of this good cause.

10 9. In accordance with LR 26-3, a stipulation to extend any date set by the discovery
11 plan, scheduling order, or other order must, in addition to satisfying the requirements of LR IA 6-1,
12 be supported by a showing of good cause for the extension. Local R. 26-3. Plaintiff submits that good
13 cause exists under the totality of the circumstances and reasons provided herein.

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1 WHEREFORE, the parties respectfully request that the Court extend Plaintiff Halgat's
2 response deadline to the Motion to Dismiss the First Amended Complaint [ECF No. 71] from
3 September 19, 2023 until September 27, 2023 as stipulated herein.

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5 **DATED this 19th day of September, 2023.**

DATED 19th day of September, 2023.

6 BRIAN M. BOYNTON
7 Principal Deputy Assistant Attorney General
8 Civil Division

MELANIE HILL LAW PLLC

9 C. SALVATORE D'ALESSIO, JR.
10 Director
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America*

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22 **IT IS SO ORDERED.**

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24 September 20, 2023
25 **DATE**

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UNITED STATES DISTRICT JUDGE